

ESTATE OF WILLIAM BIGHEART, JR.

Decided November 17, 1969

IA-1826

Indian Probate: Secretary's Authority: Generally

A decision issued by the Solicitor under appropriate delegation of authority from the Secretary is final for the Department.

United States
Department of the Interior
Office of the Secretary
Washington, D.C. 20240

IA-1826

NOV 17 1969

Dear Mr. Shoemake:

This acknowledges your letter of September 11, with its attached appeal, together with your supplemental appeal, seeking review of decisions by the Regional Solicitor, Tulsa, Oklahoma, which affirmed action by the Superintendent of the Osage Indian Agency, approving a will of William Bigheart, Jr., a deceased unallotted Osage Indian.

You assert that the rights of your client, Velma Bigheart, have been violated, and that she is entitled to be heard on appeal by those officers of this Department listed in the Act of August 8, 1946 (60 Stat. 939, 25 U.S.C. 1a), including the Secretary of the Interior.

On two occasions, by decision of August 8 (IA-T-21), denying the appeal of Velma Bigheart and affirming the Superintendent's approval of will, and by decision of September 4 (IA-T-21 (Supp.)), denying appellant's request for reopening, the allegations made by her or in her behalf were fully considered.

The Regional Solicitor's decisions in this matter are based on a delegation of authority enabling him to act for the Secretary of the Interior. Such authority as was placed in those officers named in 25 U.S.C. 1a, referred to by you, was transferred to the Secretary of the Interior by Section 1 of Reorganization Plan Number 3 of 1950 (64 Stat. 1262, 5 U.S.C.A. (Appendix) at 231). Section 2 of that Reorganization Plan further provides as follows:

The Secretary of the Interior may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of the Interior of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

Accordingly, and by successive delegations by the Secretary to the Solicitor of this Department and to the Regional Solicitor, the

Regional Solicitor is fully authorized to act for the Secretary in Indian probate appeal matters. His decisions in the matter of the estate of William Bigheart, Jr., constitute the final administrative actions of this Department on that estate.

Sincerely yours,

(sgd) Russell E. Train
Acting Secretary of the Interior